

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2707 - SB 2788

February 22, 2022

SUMMARY OF BILL: Enhances the penalty for aggravated assault committed against a law enforcement officer who is discharging or attempting to discharge the officer's official duties, from a Class C felony to a Class B felony

FISCAL IMPACT:

Increase State Expenditures – \$1,103,200 Incarceration

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-116(b), a person commits aggravated assault against a first responder or nurse, who is discharging or attempting to discharge the first responder or nurse's official duties, who knowingly commits an assault and the assault:
 - Results in serious bodily injury to the first responder or nurse;
 - Results in the death of the first responder or nurse;
 - Involved the use or display of a deadly weapon; or
 - Involved strangulation or attempted strangulation.
- Pursuant to Tenn. Code Ann. § 39-13-116(c)(2), aggravated assault against a first responder is a Class C felony offense with a mandatory minimum sentence of 90 days incarcerated and a mandatory fine of \$15,000.
- The proposed legislation enhances the penalty for such an offense, from a Class C felony to a Class B felony, if the aggravated assault is against a law enforcement officer.
- Public Chapter 3 of the Second Extraordinary Session of the 111th General Assembly created the offense of aggravated assault against a first responder or nurse. As such, statistics for convictions of the recently created offense are not yet available.
- Based on data obtained through the Tennessee Bureau of Investigation (TBI) Tennessee Incident Based Reporting System (TIBRS), over the last three years, there was an average of 11,390 arrests for aggravated assault. Of that, an average of 905 arrests, or 7.57 percent $[(905 / 11,956) \times 100]$ were for aggravated assault against law enforcement officer.
- Based upon information provided by the Department of Correction (DOC), there has been an average of 787.3 admissions in each of the last 10 years for the offense of aggravated assault.
- This analysis assumes 7.57 percent, or 59.6 $(787.3 \times 7.57\%)$ of admissions will be classified as a Class B felony as a result of the proposed legislation.
- The estimated average time served for aggravated assault is 1.66 years, after adjusting for pre-trial jail credits.

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- The average time served for a Class B felony is 3.27 years.
- Accounting for recidivism rates, the proposed legislation will result in 34.5 admissions annually serving an additional 1.61 years (3.27 – 1.66).
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 5,300	FY22-23
\$ 227,900	FY23-24
\$ 871,600	FY24-25
\$ 1,049,300	FY25-26
\$ 1,057,200	FY26-27
\$ 1,070,600	FY27-28
\$ 1,075,000	FY28-29
\$ 1,081,300	FY29-30
\$ 1,089,500	FY30-31
\$ 1,103,200	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$1,103,200.
- Based on the Fiscal Review Committee’s 2008 study and the Administrative Office of the Courts’ 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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